

United States District Court**for the****Eastern District of Washington**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Sep 16, 2024**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Kimberlee S. Kyles

Case Number: 0980 2:22CR00133-TOR-14

Address of Offender: [REDACTED] Spokane, Washington 99201

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: March 27, 2024

Original Offense: Unlawful Access to Stored Communications, 18 U.S.C. §§ 2701(a)(1), (b)(2)(A)

Original Sentence: Probation - 24 Months Type of Supervision: Probation

Asst. U.S. Attorney: Daniel Hugo Fruchter Date Supervision Commenced: March 27, 2024

Defense Attorney: Federal Public Defender Date Supervision Expires: March 26, 2026

PETITIONING THE COURT**To issue a WARRANT.**

On April 1, 2024, Ms. Kimberlee Kyles signed her conditions relative to case number 2:22CR00133-TOR-14, indicating she understood all conditions as ordered by the Court.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<u>Standard Condition #13:</u> You must follow the instructions of the probation officer related to the conditions of supervision.
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Supporting Evidence: Ms. Kyles is alleged to have violated standard condition number 13 by failing to report to the U.S. Probation Office as required on September 10 and 11, 2024.

Specifically, on September 10, 2024, Ms. Kyles was sent a text message and left a voice mail on both her home phone and her cell phone, directing her to report to the U.S. Probation Office on the day in question for random urinalysis testing. Ms. Kyles failed to report as directed, and no response was received with respect to those messages left.

On September 11, 2024, unscheduled home contact was attempted with Ms. Kyles at her personal residence in Spokane. Despite knocking on several occasions, no response was received at the address and a business card was left in Ms. Kyles' door jam directing her to report to the U.S. Probation Office on the day in question and to contact the undersigned officer as soon as possible. Ms. Kyles was again left voice mails on both her cell phone and her home phone, directing her to report to the U.S. Probation Office. A text message was

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also again sent to the subject's cell phone, outlining the same requirement. A neighbor who was contacted near Ms. Kyles' apartment indicated that he had not seen her at the address in approximately 3 weeks. Ms. Kyles again failed to respond to the undersigned officer or report as directed.

On September 12, 2024, Ms. Kyles' mother was contacted telephonically, and she indicated that she had also become increasingly concerned about her daughter, having not heard from her in about 1 month, although she did indicate that Ms. Kyles does on occasion go periods of time without contacting her. Later on September 13, 2024, the party did indicate that she had found out through another contact that her daughter was at least safe, but she indicated no other relevant information to share. Ms. Kyles' mother denied knowing her daughter's location.

On September 13, 2024, unscheduled home contact was again attempted with Ms. Kyles at her address of record, and the undersigned officer observed that the business card left by the undersigned officer on September 11, 2024, remained located in her door jam. The undersigned officer did attempt to contact Ms. Kyles on her home phone, and this officer was able to hear the phone ring through an open window at the residence. Ms. Kyles was left voice mail on her home phone and personal cell phone, again directing her to report to the U.S. Probation Office and to contact the undersigned officer.

As of the date of this report, Ms. Kyles has failed to report to the U.S. Probation Office or to contact the undersigned officer as directed and required. Ms. Kyles' current circumstances are therefore unknown to the U.S. Probation Office.

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Special Condition #9: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Ms. Kyles is alleged to have violated special condition number 9 by failing to report to the U.S. Probation Office on September 10, 2024, for the purpose of urinalysis testing as directed.

Specifically, on September 10, 2024, Ms. Kyles was sent a text message and left a voice mail on both her home phone and her cell phone, directing her to report to the U.S. Probation Office on the day in question for random urinalysis testing. Ms. Kyles failed to report as directed, and has since failed to respond to additional text messages and voice mails directing her to both report to the U.S. Probation Office and to contact the undersigned officer.

The U.S. Probation Office respectfully recommends the Court **issue a WARRANT** requiring the offender to appear to answer to the allegation(s) contained in this petition.

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I declare under penalty of perjury that the foregoing is true and correct.


Executed on: September 13, 2024

s/ Chris Heinen

Chris Heinen
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other



Thomas O. Rice
United States District Judge

September 16, 2024

Date